GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S - R&B Department - Sri.G.Venkata Subbaiah, the then DEE, R&B Sub-Division, Dharmavaram and presently working in the same division, R&B Circle, Ananthapuramu - Departmental proceedings under rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 Articles of charges- Issued.

TRANSPORT ROADS & BUILDINGS (VIG.R&B) DEPARTMENT

G.O.RT.No. 281 Dated: 17-09-2024
Read:

G.O.Ms.No.35, T,R&B (VIG.R&B) Department, Dt.17.09.2024

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ORDER:

1. It is proposed to hold an Inquiry against Sri. G.Venkata Subbaiah, the then DEE, R&B Sub-Division, Dharmavaram and presently working in the same division in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substances of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri. G.Venkata Subbaiah, the then DEE, R&B Sub- Division, Dharmavaram and presently working in the same division is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He is, therefore, directed to submit his written statement of defense within 10 days of the receipt of this order, specifically admitting or denying each article of charge.

4. Sri. G.Venkata Subbaiah, the then DEE, R&B Sub- Division, Dharmavaram and presently working in the same division on or before the date specified in para (3) above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CCA) Rules 1991 or the orders/ directions issued on pursuance of the said rules, the inquiring authority may hold the inquiry against him ex parte.

5. Attention of Sri. G.Venkata Subbaiah, the then DEE, R&B Sub- Division, Dharmavaram and presently working in the same division, R&B Circle, Ananthapuramu is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, which orders that no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri. G.Venkata Subbaiah, the then DEE, R&B Sub- Division, Dharmavaram

and presently working in the same division, R&B Circle, Ananthapuramu is aware of such representation and that, it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

6. The receipt of the memorandum be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri. G.Venkata Subbaiah, the then DEE, R&B Sub- Division, Dharmavaram and presently working in the same division, R&B Circle, Ananthapuramu through ENC(R&B) Admn, Vijayawada.
The Engineer-In-Chief (R&B), Administration, Vijayawada. (He is requested to serve the Articles of Charge on the charged officer duly obtaining acknowledgement with dated Signature and send the same for record.)
SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(G.O.Rt.No.281, T.R&B (Vig.R&B) Department, Dt.17.09.2024)

Statement of Articles of Charge framed against Sri G. Venkata Subbaiah, DEE R&B Sub-division Dharmavaram and presently continuing in the same division.

Article

That the said **Sri G. Venkata Subbaiah**, DEE R&B Sub-division Dharmavaram and presently continuing in the same division has committed irregularities in the execution of the work "Improvements to R. Yerragunta Palli to Sangameswaramu (via) Thippepalli road from Km 0/0 to 5/0 in erstwhile Ananthapuramu District" The said recorded the work and recommended the work's bill for payment despite substandard quality of work.

Thus he has violated Rules 3 (1) and 3 (2) of AP Civil Services Conduct Rules, 1964 for lack of devotion to duty, lack of integrity and for behaving in a manner unbecoming of government employee.

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-II

(G.O.Rt.No.281, T.R&B(Vig.R&B) Department, Dt.17.09.2024)

Statement of Imputations of misconduct or misbehaviour in support of Articles of Sri G. Venkata Subbaiah, DEE R&B Sub-division Dharmavaram and presently continuing in the same division.

1.0 ALLEGATIONS:

Sri. K. Venkata Rami Reddy, Member of Legislative Assembly (MLA), Dharmavaram Constituency, erstwhile Ananthapuramu district made allegations against the contractor viz. M/s Nithin Sai Constructions regarding execution of the above said work stating that the contractor had formed the shoulders and berms unevenly by using the side earth obtained from the fields of local farmers. The contractor threatened the farmers when questioned about the work and threatened that he would implicate them in illegal cases.

The petitioner made the following specific allegations:

I. GSB mixing was not executed as per specifications either in quality or in quantity. The materials proportion and thickness of GSB were not executed as per agreement conditions.

II. WMM was executed without uniform trench excavation and without using proper proportions of materials.

III. VG-30 grade bitumen was not used in the execution of BM layer. Less percentage of BT was utilized against agreement conditions

IV. VG-30 grade bitumen was not used in the execution of BC layer. Less percentage of bitumen was used in BC layer without proper gradation against specifications.

V. Cement concrete works viz. culverts were executed without proper proportions of cement and other materials against the standards. The contractor threatened the AE, DEE & EE and executed the work with the sole objective of earning money without ensuring quality.

VI. The substandard quality of work executed by the agency without following any of the agreement conditions has caused damage to road, wastage of government money and loss of lives of road users.

The petitioner requested for enquiry against the contractor and to take action against contactor and the officials concerned.

2.0 BACKGROUND:

The road from R. Yerraguntapalli to Sangameswaram via Thippepalli road is connecting Dharmavaram-Krishnapuramu road and Kadiri-Ananthapuramu road (NH-42). This road connects a number of agricultural villages.

In view of the allegations of irregularities against the contractor, the Vigilance and Enforcement officials obtained copies of sanctioned estimates, agreements and measurement books pertaining to the above work, inspected

the work recorded the observations in the presence of field officers who were associated with the execution of subject road work.

Details of administrative sanction & technical sanction of the above said work were as follow:

Administrative sanction was accorded by the Special Chief Secretary to Government vide G. O. Rt. No. 315, Transport, Roads and Buildings (R.I) Department dated. 16-07-2018 for Rs. 34625.00 lakhs under NABARD grant for 108 works wherein the subject work was sanctioned for an amount of Rs.300.00 lakhs. (Copy of the administrative sanction and basic data proforma appended as Annexure-A1).

Technical sanction was accorded for the subject work by the Chief Engineer, (R&B) NABARD, RDF, LWF, Vijayawada vide Memo./NAB/2018-19 dated: 26.09. 2018 for an amount of Rs.300.00 lakhs with SSR 2018-19. (Copy of technical sanction memo is appended as Annexure-A2).

During the Inspection of the aforesaid work, physical measurements of Gravel Sub Base, Wet Mix Macadam and MSS layers were verified. Gradation analysis tests were conducted on GSB & WMM layers. Cement concrete cores and MSS samples were collected at site and tested for its equivalent compressive strengths and binder content respectively by engaging 3d party agency viz. M/s. ARIHANT Testing & Research Centre LLP, Guntur. Details of enquiry were as follow:

3.0 V&E OBSERVATIONS:

1. The work was completed in all respects and as per LS-II & final bill dated: 06.04.2020, the total value of work done was Rs.2,28,26218.64/- and the same was paid to the agency.
2. On verification of records, it was noticed that no provisions were made towards road safety measures in the sanctioned estimate.
3. As per the item at serial number 03 of schedule-A of the agreement, the granular sub-base shall be constructed with well graded hard broken granite metal satisfying grading-V as specified under table 400.1 and as per the technical specification mentioned under clause of MoRTH (5^{th} Revision) specifications. (Copy of Table 400. 1 & extract of Clause 401 of Specification of MORTH are appended as Annexure-A3)
4. Gradation analysis for GSB layer was conducted at chainages Km. 1/350, Km. 1/689, Km. 3/278 & Km. 3/700 of the road. From the test results, it was observed that the gradation of GSB layer satisfied the requlicinents as per the specifications of MoRTH. The abstract of gradation analysis tests was as follows (Copy of the field observation and calculation sheets are appended as Annexure-A4):

Gradation of Granular Sub-Base (GSB) Grade-V					
Sieve size in mm	**Percentage of passing at chainages**				**% of passing as per table 400. 1 of MORTH**
	Km. 1/350 L/s	**Km. 1/689 R/s**	**Km. 3/278 L/s**	**Km. 3/700 R/s**	
75	100	100	100	100	100

53	100	96.94	90.96	92.71	80-100
26.5	62.15	71.41	58.05	55.16	55-90
9.5	53.53	46.26	37.7	35.09	35-65
4.75	39.97	29.41	26.42	34.16	25-50
2.36	19.52	18.93	19.02	19.04	10-20
0.85	5.85	7.57	7.61	7.23	02-10
0.425	0	1.89	1.9	0	0-5
0.075	0	0	0	0	

5. The thickness of GSB layer was verified at site and found to have tallied with the recorded measurements (Copy of field measurement sheet enclosed as Annexure-A5).
6. As per the item at serial number 04 of schedule-A of the agreement of the subject work, the wet mix macadam should be constructed with graded stone aggregate as per table 400.13 and technical specification mentioned under clause 406 of MORTH (5^{th} Revision) specification. (Copy of the clause 406 specification to sued by MORTH sheets are appended as Annexure-A6).
7. Gradation analysis for WMM layer was performed at chainages Km. 1/350, Km. 1/689, Km. 3/278 & Km. 3/700 of the road and the results were found to have satisfied the requirements as per table 400.13 and clause 406 of MoRTH specifications. (Copy of the field observations and calculation sheets are appended as Annexure-A7).

Gradation of WET MIX MACADAM (WMM)					
Sieve size in mm	**Percentage of passing at chainages**				**% of passing as per table 400. 1 of MORTH**
	Km. 1/350 L/s	**Km. 1/689 R/s**	**Km. 3/278 L/s**	**Km. 3/700 R/s**	
53	100	100	100	100	100
45	96.93	95.11	96.66	95.10	95-100
22.40	74.15	60.35	72.57	60.27	60-80
11.20	58.46	41.05	59.16	45.80	40-60
4.75	36.38	25.68	38.46	31.77	25-40
2.36	23.00	16.47	25.94	22.64	15-30
0.600	9.20	6.95	10.38	9.06	8-22
0.075	0	0	0	0	0-5

1. The thickness of WMM layer was verified at site and found to have tallied with the recorded measurements. (Copy of the field observation sheet enclosed as Annexure-A8).
2. As per the sanctioned estimate and agreement, BM & BC layers were not proposed and were not executed. However, the mixed seal surfacing (MSS) layer was executed as per the approved estimate and agreement specifications.
3. As per the clause 508.2.5 of MoRTH, the quantity of binder content for MSS (Type-B) layer was specified as 19.0 kg per 10 square metre of area for 20 mm thick layer. (Copy of the clause 508.2.5 Specification of MoRTH sheets are appended as Annexure-A9).
4. As per circular memo no. 12582/Vig-1/1/2005-1 dated 23.03.2006 communicated by the Engineer-in-Chief (R&B). Admn & Roads, it was

instructed to effect recovery at twice the estimate rates where short fall of binder content lies between 0-10%, at thrice the estimate rates where shortfall lies between 10-15% and the work was to be rejected if the deficiency is more than 15% of specified binder content for the bituminous works. (Copy of the extract of agreement is appended as Annexure-A10).

5. Bitumen samples from MSS layer were collected at four locations by engaging third party quality agency viz. M/s. ARIHANT TESTING & RESEARCH CENTRE LLP. Bitumen extraction test was conducted in the presence of the concerned R&B officials after duly following the procedure prescribed in the Appendix-5 of IRC.SP:11-1984 Hand Book of Quality Control for Construction of Roads & Runways.
6. The results of bitumen extraction test of MSS layer are tabulated below. (Copy of the bitumen extraction test results appended as Annexure-A11 & Copies of Appendix-5 of IRC.SP:11-1984 appended as Annexure-A12):

		Binder Content in mixed seal surfacing layer (MSS)				
Sl.No	**Chainage (At Km.)**	**Assed bitumen content in collected samples**	**Average bitumen content in testing samples**	**Specified Bitumen content per 10 sqm (in kgs)**	**Deficiency in kg/10sqm**	**% of deficiency**
1	1/350 L/s	16.61	15.23	19.00	3.77	19.84%
2	1/689 R/s	13.85				
3	3/278 L/s	24.04	19.74	19.00	0.00	0.00%
4	3/700 R/s	15.45				

7. As per the above test results, the average bitumen content in MSS layer in reach (1) from Km.1/000 to Km.2/000 was found to be 19.84% less against the required bitumen content as per MoRTH specifications. As per the agreement. clause 36.d.b and as per circular memo no:1258/vig. 11/2005-5 dt: 17.10.2006 of the Engineer-in-Chief (R&B) (Admin & Roads), the bitumen extraction tests shall be carried out as early as possible and in no case beyond 6 months, Further as per govt. Memo No: 15320/VIG. 1/2005-1 Dt. 12-05-2016, PR & RD (Est-1) Dept, the deficiency of 6-8% will be considered per year towards time lag. After considering the above, the deficiency in BT content was found to be less than 10%.
8. Recovery for an amount of Rs.5,47,260/- is proposed from the agency towards deficiency in MSS layer. (Annexure-A12a)
9. As per Clause 17.4.3 of IS 456-2000, concrete in the member represented by a core test shall be considered acceptable if the average equivalent cube strength of the cores is equal to at least 85 percent of the cube strength of the grade of concrete specified for the corresponding age and no individual core has a strength less than 75 percent". (Copy of IS code clause appended as Annexure- A13)

Hence, the permissible compressive strength requirement for M35 & M15 grade concretes for individual core and for average equivalent cube strength of the cores were 26.25, 29.75 N/mm^2 and 11.25, 12.75 N/mm² respectively.

8. The departmental quality control wing inspected the work site and issued random inspection report (Q.C.) certificate for part bills duly conducting gradation tests of fine & coarse aggregates at field & aggregate impact value tests. (Copy of Quality Control certificate along with test reports are appended as Annexure- A14).
9. Cement concrete cores were extracted from different locations of the CC pavement & CD works by engaging third party quality agency viz.M/s. Arihant Testing & Research Centre LLP, Guntur and tested for equivalent cube compressive strength at their laboratory in the presence of the concerned R&B officers. The test results obtained in this regard are tabulated below (Copy of test results appended as Annexure-A15):

Sl.No	Core ID	Core Location	Grade	Comp.Strength (N/mm2)		Remarks
				Achieved	Required	
CC Road @ Km.0/00 to 0/289						
1	C-01	At Km 0/060 mts from Road starting &1.40m from R/S edge	M-35	26.49	26.25 (75%)	Satisfactory
2	C-02	At Km 0/127.6 mts from road starting & 2m from L/S edge	M-35	33.31	26.25 (75%)	Satisfactory
3	C-03	At Km 0/180 mts from Road starting & 3.55m from L/S edge	M-35	23.14	26.25 (75%)	Failed
			Average	**27.65**	**29.75 (85%)**	**Failed**
R/S Body wall of 5 row 1m dia pipe Culvert @km. 1/4						
4	C-04	Core extraction at 2.10 mts from road starting and 0.55 mts from top of wall	M-15	6.47	11.25 (75%)	Failed
5	C-05	Core extraction at 3.85 mts from road starting & on top of wall	M-15	16.66	11.25 (75%)	Satisfactory
6	C-06	Core extraction at 6.30 mts from road starting & 0.15m from top of wall	M-15	13.60	11.25 (75%)	Satisfactory
			Average	**12.24**	**12.75 (85%)**	**Failed**
L/s Body wall of one row 1m dia pipe Culvert @ Ch km.3/2						
7	C-07	Core extraction at 1.10m from road starting & on top of wall	M-15	6.56	11.25 (75%)	Failed
8	C-08	Cote extraction at 1.65m from road ending & top of the	M-15	8.26	11.25 (75%)	Failed

		wall				
9	C-09	Core extraction at 1.90m from road starting & 0.81m from top of the wall	M-15	6.32	11.25 (75%)	Failed
			Average	**7.05**	**12.75**	**Failed**
R/s Body wall of one row 1m dia pipe culvert @ Ch km.3/6 (ii)						
10	C-10	Core extraction at 0.90m from top of the wall & 1.20m from road starting	M-15	5.07	11.25 (72%)	Failed
11	C-11	Core extraction at 1.47m from road ending & 1.40m from top of the wall	M-15	5.21	11.25 (75%)	Failed
12	C-12	Core extraction at 0.95m from road starting & on top of the wall	M-15	4.95	11.25 (75%)	Failed
			Average	**5.08**	**12.75 (85%)**	**Failed**
13	C-13	Core extraction at 1.08m from top of wall 3.00 m from wall ending	M-15	5.21	11.25 (75%)	Failed
14	C-14	Core extraction at 1.10m from top of the wall, & 5.70m from wall ending	M-15	3.71	11.25 (75%)	Failed
15	C-15	Core extraction at 2.40m from wall starting & on top of the wall	M-15	7.93	11.25 (75%)	Failed
			Average	**5.62**	**12.75 (85%)**	**Failed**

10. As verified from the above test results, the CC cores extracted from CC pavement at KM.0/0 to 0/289 failed to achieve the strength requirement of the specified grade of concrete for M-35 but they were satisfying the next lower grade of concrete i.e. M30 grade as per 15:456-2000. Therefore, an amount of Rs. 3,36,988/- was proposed to be recovered from the agency towards the difference in strength of concrete based on the attained grade of the concrete as per specifications. (Copy of recovery statement is enclosed as Annexure-16).

11. As verified from the above test results, the average cube compressive strength of cement concrete cores in respect of CD works from Sl.No.4 to 15 didn't satisfy the strength requirements of the specified grade of concrete for M15 as per 15:456:2000. The value of rejection of components of the pipe culverts was worked out to be Rs.3,36,465/-. (Copy of recovery calculation sheets along with M. Book extracts are appended as Annexure- A17).

12. The aforesaid CC components of CD works are proposed to be reconstructed at the cost and risk of the agency or it is recommended to recover an amount of Rs. 3,36,465/- from the agency towards the value of rejection.

4.0 VERSION OF THE OFFICERS:

Sri. G. Venkata Subbaiah, the then Deputy Executive Engineer, R&B Sub Division, Dharmavaram and presently continuing in same place and same post. (Appended as Statement-S2)

The aforesaid officer stated that during execution of the subject work, concrete cubes were cast by the executing agency in the presence of construction staff and those were tested in the section office laboratory and the results obtained were satisfactory. After they were satisfied with the lab results, they recommended the part bill for payment after duly obtaining consent letter from the executing agency. The recovery towards defective concrete would be proposed in the final bill

Rebuttal: The CC core samples failed to attain the strength requirements of the specified M35 grade concrete for CC pavement & M15 grade for CD works as per IS 456:2000. Hence, the versions of the aforesaid officers are not acceptable.

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-III

(G.O.Rt.No.281, T.R&B(Vig.R&B) Department, Dt.17.09.2024)

List of documents by which the articles of charge framed againstSri G. Venkata Subbaiah, DEE R&B Sub-division Dharmavaram and presently continuing in the same division.

Government of Andhra Pradesh, General Administration, Vigilance and Enforcement Department, Vigilance Report No:12 (C.No.3393-3/V&E/Engg./ 2019-1) Dt:16-02-2023.

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-IV

(G.O.Rt.No.281, T.R&B(Vig.R&B) Department, Dt.17.09.2024)

List of witnesses by whom the Articles of Charge framed against Sri G. Venkata Subbaiah, DEE R&B Sub-division Dharmavaram and presently continuing in the same division.

---- NILL----

KANTILAL DANDE
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED BY ORDER//

SECTION OFFICER